

REMARKS

Applicants reply to the Office Action mailed May 13, 2008 within the shortened three month period for reply. Claims 1-19 are pending in the application and the Examiner rejects claims 1-19. Claims 1-19 have been canceled without prejudice to filing one or more claims having similar subject matter in this or other applications. New claims 20-35 have been added, including new independent claims 20, 26, 28, 32, and 35. Support for the new claims may be found in the originally-filed specification, claims, and figures. Applicants submit that no new matter has been introduced with these new claims. Applicants respectfully request reconsideration of this application.

The Examiner rejects claims 1-9, and 18-19 under 35 U.S.C. §103(a) as being unpatentable over Hurta et al., U.S. Patent No. 6,317,721 (“Hurta”) in view of Anderson et al., U.S. Patent No. 6,608,551 (“Anderson”). The Examiner rejects claims 10-17 under 35 U.S.C. §103(a) as being unpatentable over Hurta and Anderson in view of Walker et al., U.S. Patent No. 5,945,653 (“Walker”). Applicants respectfully disagree with all of these rejections, but have presented new claims in order to clarify the patentable aspects of the claims and to expedite prosecution. Furthermore, Applicants do not concede that Hurta, or Anderson are in fact prior art with respect to this application and Applicants reserve the option to antedate Hurta and/or Anderson.

Hurta discloses systems and methods for processing toll-booth fees. Funds associated with a transponder are stored in a host computer (Hurta, Col. 3, lines 1-12). To add funds, a user must insert a smartcard into a transponder (Hurta, FIGS. 4-5; Col. 5, lines 3-32; Col. 8, lines 45-60). When a vehicle approaches a toll booth, a transaction may occur, and the toll is debited from funds associated with the transponder. (Hurta, Fig. 8; Col. 5, lines 32-44). However, Hurta does not disclose or contemplate “receiving a transaction request from an RF transaction device, wherein said transaction request comprises a transactions counted value; and denying said transaction request in response to said transactions counted value exceeding a maximum transactions value” as recited in new independent claim 20 and as similarly recited in new independent claims 26, 28, 32 and 35; rather, Hurta merely notes that a transponder may present information such as vehicle classification information (Hurta, Col. 9, lines 15-24).

Anderson discloses a radio replacement for a wireless device using radio frequency identification tags (Anderson, abstract; Fig. 1; Col. 3, lines 1-10). Each time a wireless device is

polled for data, a counter is reset to zero (Anderson, Col. 5, lines 21-29). When a portion of data is transferred to the interrogator from the wireless device, the counter is incremented. (Anderson, Col. 5, lines 35-47). Anderson further discloses the transfer process ends if a stop flag is set, or continues if the stop flag is not set. (Anderson, Col. 5, lines 43-47). Therefore, Anderson does not disclose or contemplate "denying said transaction request in response to said transactions counted value exceeding a maximum transactions value" as recited in new independent claim 20 and as similarly recited in new independent claims 26, 28, 32 and 35; rather, Anderson merely uses a counter to index data packets transferred from a wireless device, and resets the counter at the beginning of each data transfer session.

None of the cited references account for these deficiencies. For at least these reasons, Applicant respectfully submits that new independent claims 20, 26, 28, 32 and 35 are allowable over the cited references.

Dependent claims 21-25, 27, 29-31, and 33-34 variously depend from independent claims 20, 26, 28, 32 and 35, respectively, so they are allowable over the cited references for the reasons set forth above, in addition to their own unique features.

When "at least one of A, B, or C" is used in the claims, Applicant intends the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.


The claims of the present application are different and possibly broader than the claims pursued in the parent applications. To the extent any prior amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicants hereby rescind and retract such disclaimer. Accordingly, the references previously construed in the parent applications may need to be revisited.

Moreover, in conforming with Applicants' duty to disclose, Applicants hereby inform the Examiner of the allowance and/or issuance of related U.S. Application Nos. 10/192,488, 10/905,006, 10/708,549, 10/711,773, 10/711,970, 10/708,822, 10/708,830, 10/708,833, 10/708,837, 10/708,841, and 10/906,732, which include disclosure and claims that may be considered relevant to this application.

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

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